UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,895	10/30/2003	Marc S Carter	GB920020077US1	9228

	7590	06/14/2006

IBM Corporation
IP Law Department
11400 Burnet Road
Austin, TX 78758

EXAMINER
HO, BINH VAN

ART UNIT	PAPER NUMBER
2163	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/697,895	CARTER ET AL.
	Examiner	Art Unit	
	Binh V. Ho	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 October 2003_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 October 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claims 1, 16, 24, and 26 are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

In claim 1, line 15; it is unclear what the words "in response to a selection of a

preferred taxonomy" refers to. Does these words refer to the results of the comparison

between the reference taxonomy and the application taxonomy?

The similar deficiencies are found in claims 16, 24 and 26, which requires the

same clarification / correction.

Claims 2-15, 17-23, and 25 are rejected because of their dependencies.

Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by
Allemang (US 2003/0050915).

(Claims 1, 16, 24, and 26)

Allemang discloses in figures 1-13,16,18,20-31, a method for managing data
organisation for computer programs, the method including the steps of: generating and
storing a reference taxonomy, the reference taxonomy comprising information defining a
data organisation; accessing storage associated with a computer program to obtain an
application taxonomy, the application taxonomy comprising information defining the
organisation of stored data items of the program; comparing the reference taxonomy
with the application taxonomy to identify matching and non-matching features of the
compared taxonomies; and in response to a selection of a preferred taxonomy, storing
the preferred taxonomy as a replacement of at least one of the reference taxonomy and
the application taxonomy.

(Claim 2)

Allemang discloses in figures 4,16,21-23, the step of storing a preferred
taxonomy in response to a selection of the preferred taxonomy including generating a
modified reference taxonomy which aggregates features of the compared reference
taxonomy and features of the compared application taxonomy, wherein an identified
matching feature of the compared reference and application taxonomies is represented
as a single node in the modified reference taxonomy.

(Claim 3)

Allemang discloses in figures 16,21-23, in the step of storing a preferred taxonomy in response to a selection of the preferred taxonomy including generating a modified application taxonomy which includes features of the compared reference taxonomy.

(Claim 4)

Allemang discloses in figures 4,16,21-23, the generated reference taxonomy including nodes representing data structures and information representing relationships between data structures, and wherein the step of generating a modified application taxonomy includes generating at least one new data structure within the modified application taxonomy which new data structure corresponds to a node of the compared reference taxonomy.

(Claim 5)

Allemang discloses in figures 4,16,21-23, the generated reference taxonomy including nodes representing data structures and information representing relationships between data structures, and wherein the step of generating a modified application taxonomy includes repositioning data structures within the compared application taxonomy, such that the relationships between the data structures of the modified application taxonomy and nodes of the reference taxonomy are more consistent than the relationships between data structures of the compared application taxonomy and nodes of the reference taxonomy.

(Claim 6)

Allemang discloses in figures 4-13, the step of generating a reference taxonomy including accessing storage associated with a second computer program to obtain an application taxonomy for the second program.

(Claim 7)

Allemang discloses in figures 4,16,21-23, a step of accessing storage to obtain an application taxonomy including using an adapter which interfaces to the respective computer program to access information relating to the names of and relationships between stored data structures.

(Claim 8)

Allemang discloses in figures 4,16,21-23, the step of generating a reference taxonomy including receiving user inputs via a graphical user interface; and interpreting user inputs to generate nodes representing data structures of a taxonomy and to generate information representing relationships between data structures.

(Claim 9)

Allemang discloses in figures 4,16,21-23, the step of comparing including comparing, using string matching, qualified node names for nodes of the reference taxonomy and nodes, corresponding to data structures, of the application taxonomy.

(Claim 10)

Allemang discloses in figures 4,16,21-23, the step of comparing the reference taxonomy with the application taxonomy being repeated in response to a trigger condition.

(Claim 11)

Allemang discloses in figures 4,16,21-23, the trigger condition being expiry of a

predefined time period.

(Claim 12)

Allemang discloses in figures 4,16,21-23, the step of generating a reference

taxonomy being performed on a first data processing apparatus and is followed by a

step of sending at least a part of the reference taxonomy to a second data processing

apparatus, and wherein the steps of comparing and storing a selected preferred

taxonomy are performed on the second data processing apparatus.

(Claim 13)

Allemang discloses in figures 4,16-23, the step of sending at least a part of the

reference taxonomy being performed by a distributed publish/subscribe messaging

system.

(Claim 14)

Allemang discloses in figures 4,16-23, including the steps of generating, via a

graphical user interface (GUI), a graphical representation of the reference taxonomy

including nodes representing data structures of the taxonomy; and in response to user-

interactions with the GUI, generating calls to the computer program to initiate

application program functions.

(Claim 15)

Allemang discloses in figures 4,16-23, wherein the GUI includes a data backup

function call and the method includes the step of in response to user-selection of the

data backup function call and user-selection of a set of one or more nodes of the

reference taxonomy, sending a call to the application program to backup data within the application taxonomy data structures corresponding to said set of nodes.

(Claim 17)

Allemang discloses in figures 4-7, 5-12, including a plurality of adapters, wherein each adapter enables accessing of storage associated with a computer program of a respective type and obtaining the application taxonomy for the computer program of the respective type.

(Claim 18)

Allemang discloses in figures 4-7, 16, including a graphical user interface (GUI) for generating a graphical representation of the reference taxonomy, the graphical representation including nodes representing data structures.

(Claim 19)

Allemang discloses in figures 4-10, 16, 21-23, the GUI is responsive to user inputs to identify selection of a preferred taxonomy.

(Claim 20)

Allemang discloses in figures 4-10, 16, 17-19, the GUI includes function calls for initiating operations of said respective computer program.

(Claim 21)

Allemang discloses in figures 4-10, 16, 19, 21-23, the GUI includes a data backup function call and is responsive to user-selection of the data backup function call and user-selection of a set of one or more nodes of the reference taxonomy to send a

call to the respective computer program to backup data within the application taxonomy

data structures corresponding to said set of nodes.

(Claim 22)

Allemang discloses in figures 4-11, 16, 19, 21-23, including an adapter for

interfacing between the means for generating a reference taxonomy and a

publish/subscribe messaging manager to enable at least a part of the generated

reference taxonomy to be sent to a second taxonomy manager via the

publish/subscribe messaging manager.

(Claim 23)

Allemang discloses in figures 4-10, 16, 19, 21-23, including a listener component

for identifying receipt of reference taxonomy information and triggering the taxonomy

manager to process such received taxonomy information.

(Claim 25)

Allemang discloses in figures 4-10, 16, 19, 21-23, including a graphical user

interface for displaying taxonomies to a user and for responding to user inputs to

identify selection of a preferred taxonomy.

5.   Claims 1,16,24, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated

by Tang (US 6,636,849).

(Claims 1, 16, 24, and 26)

Tang discloses in figures 1-2, 5-7, and 11, a method for managing data

organisation for computer programs, the method including the steps of: generating and

storing a reference taxonomy, the reference taxonomy comprising information defining a

data organisation; accessing storage associated with a computer program to obtain an

application taxonomy, the application taxonomy comprising information defining the

organisation of stored data items of the program; comparing the reference taxonomy

with the application taxonomy to identify matching and non-matching features of the

compared taxonomies; and in response to a selection of a preferred taxonomy, storing

the preferred taxonomy as a replacement of at least one of the reference taxonomy and

the application taxonomy.

6.   Claims 1,16,24, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated

by Kasravi (US 6,636,849).

(Claims 1, 16, 24, and 26)

Kasravi discloses in figures 1-4, a method for managing data organisation for

computer programs, the method including the steps of: generating and storing a

reference taxonomy, the reference taxonomy comprising information defining a data

organisation; accessing storage associated with a computer program to obtain an

application taxonomy, the application taxonomy comprising information defining the

organisation of stored data items of the program; comparing the reference taxonomy

with the application taxonomy to identify matching and non-matching features of the

compared taxonomies; and in response to a selection of a preferred taxonomy, storing

the preferred taxonomy as a replacement of at least one of the reference taxonomy and
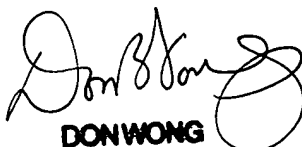
the application taxonomy.

Inquiry

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Binh V Ho
Examiner
Art Unit 2163

DON WONG
SUPERVISORY PATENT EXAMINER